

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

- against - :

ORDER

STEVEN BYERS, :

08 Civ. 7104 (DC)

Defendant. :

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CHIN, Circuit Judge:

U.S. Bank National Association ("U.S. Bank") has moved for the return of certain funds received by the Receiver.

The Court has received submissions from U.S. Bank and the Receiver, and it appears there are issues of fact presented by the motion, including, for example, whether funds were indeed sent to the Receiver based on "a mistake of fact."

Accordingly, IT IS HEREBY ORDERED that counsel for U.S. Bank and the Receiver appear for an evidentiary hearing at 2:00 p.m. on April 28, 2014 at 40 Foley Square, New York, New York 10007, Courtroom 519. U.S. Bank, as the moving party, will present its evidence first, and, should he wish to do so, the Receiver may respond.

SO ORDERED.

Dated: New York, New York
April 14, 2014


DENNY CHIN
United States Circuit Judge
Sitting by Designation